

Asbestos use faces further restrictions

Although asbestos is one of the most heavily regulated materials used in commerce today, some federal agencies maintain that it continues to be a hazard and they are making a concerted effort to restrict its use even further.

The latest assault comes from the National Institute for Occupational Safety & Health. Disclosing the results of a six-month study on workplace exposure to asbestos, NIOSH director Anthony Robbins has called on the Labor Department's enforcement arm, the Occupational Safety & Health Administration, to lower the workplace exposure standard for asbestos to 0.1 fiber per cc of air from the current standard of 2 fibers per cc. Robbins says that many asbestos producers could meet this standard.

This level of exposure was chosen not because it was found to be a safe limit—indeed, the report says there can be no safe level of asbestos exposure—but because it is the lowest level that can be measured accurately. OSHA head Eula Bingham says that agency will begin working on the new standard right away, though it may take six months before a proposed rule can be presented.

Other recommendations in the NIOSH report call for a ban on all nonessential uses of asbestos and the use of substitutes wherever possible. And the report calls for product manufacturers to perform sampling tests on their products to determine what, if any, asbestos exposure could result from the product's use.

About 1.4 million workers currently are being exposed to asbestos and nearly 750,000 tons of the material are being used annually. An estimated 9

million workers have been exposed since World War II. Much of the interest in asbestos-related disease is generated by the high incidence of asbestosis (a progressive lung fibrosis), lung cancer, and mesothelioma (a rare cancer of the lining of the chest and abdomen) among workers exposed to very high levels of asbestos during the 1930's and 1940's. A particularly strong correlation is found between lung cancer and asbestos workers who smoke.

Other actions were taken to reduce exposure to asbestos in October, when the Consumer Product Safety Commission and the Environmental Protection Agency both gave notice that they intended to set new, tougher rules for asbestos exposure to consumers and for the material's release into the environment.

CPSC already has taken some action by proposing last month to ban all asbestos paper and tape from consumer products. EPA is still evaluating its data on the issue and probably will not propose rules until the end of the year.

The need for tougher controls from CPSC, EPA, or OSHA, however, is hotly disputed by industry. In its comments regarding the proposed rules, the Asbestos Information Association, a group sponsored by more than 50 asbestos producers, points out that evidence of disease in workers who have inhaled high levels of asbestos provides scant insight into the effects on a population exposed to concentrations several orders of magnitude lower.

The association also claims that CPSC and EPA have overstepped their authority in trying to propose such wide-ranging rules on asbestos. According to the industry group, both the toxic substances and consumer product safety acts require that the federal agency prove an unreasonable risk is present from asbestos before that substance can be regulated. Available data, it says, do not show that there is such unreasonable risk.

The industry maintains that for many of the 3000 uses of asbestos there are no acceptable substitutes, a contention challenged by both NIOSH and EPA.

Asbestos, refined from the naturally occurring mineral, has been used extensively for more than 100 years. Now, with so much confusion about how much asbestos can lead to disease, the widely publicized link to cancer may have given the kiss of death to many asbestos uses—rightly or wrongly. One thing is clear: With so many regulations being foisted on asbestos this year, the industry is facing a rough road ahead.

David Hanson, Washington



Bingham work will begin right away

Federal Alert— new regulations

This listing covers noteworthy regulations appearing in the Federal Register from March 18 to April 18. Page numbers refer to those issues.

PROPOSED

Environmental Protection Agency—Requests comments on petition to classify ammonia and sulfide as conventional pollutants rather than toxic pollutants, comments by June 2 (April 2, page 21655)

Proposes standards governing testing required for data needed to register pesticide products, comments by June 16 (April 18 page 26373)

FINAL

Council on Environmental Quality—Final revision to plans spelling out how federal agencies must respond to oil and hazardous chemical spills, effective March 19 (March 19, page 17832).

Environmental Protection Agency—Amends rules for disposal of PCB's: permits disposal in landfills until March 1981, and treats large and small PCB-containing capacitors the same; effective March 28 (March 28, page 20473)

Establishes equipment standards that limit emissions of volatile organic compounds from liquid-petroleum storage tanks, effective April 4 (April 4, page 23374)

Fixes time at which Clean Air Act regulations will be considered promulgated to provide fairness in responding to lawsuits, effective April 17 (April 17, page 26046)

Executive Order—Establishes Nuclear Safety Oversight Committee to advise on progress of improving safety of nuclear power and implement recommendations of President's Commission on Accident at Three Mile Island (March 20, page 17939)

Food & Drug Administration—Revokes "man-in-the-plant" policy under which a firm can claim to be manufacturer of drug by placing only quality control staff person in plant of subcontractor, effective April 10 (April 15, page 25760).

International Trade Administration—Policy denying licenses to export or re-export phosphate rock, phosphoric acid, or phosphate fertilizer to U.S.S.R., effective Feb. 25 (April 10, page 24458)

NOTICES

National Institutes of Health—Physical containment recommendations issued for large-scale use of organisms containing recombinant DNA (April 11, page 24968)

National Oceanic & Atmospheric Administration—Announces availability of post-doctoral grants of up to \$35,000 yearly to colleges and universities for atmospheric, oceanic, and fisheries sciences, applications by June 10 (April 16, page 25855)

Nuclear Regulatory Commission—Draft environmental assessment for decontamination of Three Mile Island Unit 2 reactor is available for comment (March 27, page 20265).

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PLAINTIFF'S EXHIBIT

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